

REVISED STAFF REVIEW

To: Chairman Kowalski and Planning Commission
Justin Breyer, City Manager

From: Michelle Aniol, Community Development Manager
Grace Whitney, Associate Planner

Re: **PPSP23-05 Mill Creek Flats** Preliminary Planned Unit Development Review,
application received July 14, 2023; Preliminary Site Plan, dated July 11, 2023.

**Applicant/
Property Owner:** Grand Development Group, LLC, Mike Penn, representing

Zoning: VC, Village Commercial District

Date: August 4, 2023

The Planning Commission is scheduled to conduct a public hearing to consider a Planned Unit Development Application for a Preliminary Site Plan Review. The applicant, Grand Development Group, LLC is proposing a multiple-family residential housing development, at 7965 and 7997 Grand Street, Dexter, MI. The proposed development project consists of two (2) three story buildings, with seventy-six (76) apartments and eighty-five (85) on-site parking spaces and six (6) on-street parking spaces are also proposed, along with a stormwater management system, dumpster enclosures, landscaping, and other site improvements. Staff, DPW, the City's Planning (CWA) and Engineering (OHM) consultants and DAFD have reviewed the above referenced site plan. Accompanying this review, you will find the following documentation:

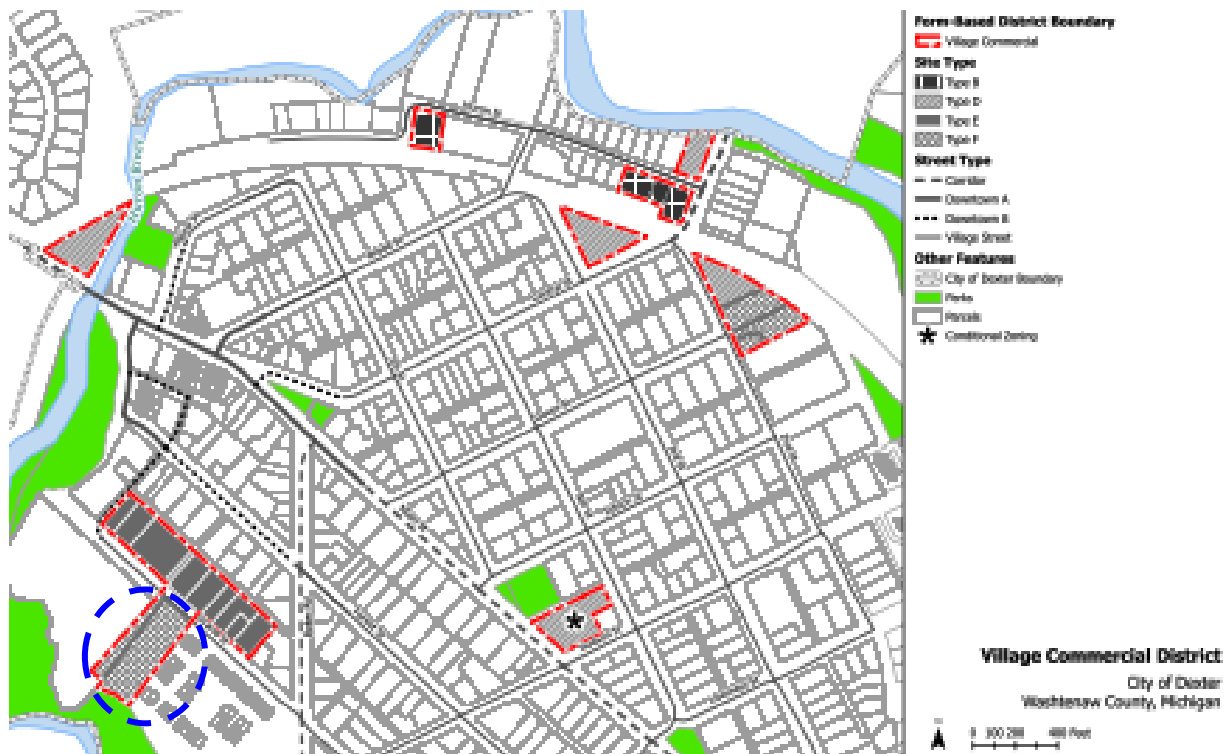
- Planned Unit Development (PUD) Application, received July 14, 2023;
- Preliminary PUD Site Plan, dated July 13, 2023, received July 14, 2023;
- CWA review dated, August 3, 2023;
- OHM review dated, August 3, 2023; and
- DAFD review is pending.

Master Plan

The subject site is designated Village Commercial on the Future Land Use Map in the City of Dexter Master Plan. The intent of the Village Commercial future land use designation is to "maintain the well-established character, scale and density of the traditional pattern of the neighborhoods in the original plat of the Village, while allowing uses other than single-family residential for adaptive re-use of public and institutional buildings." This designation plans for "transition between mixed use districts." In the Village Commercial Future Land Use category, 3-5 story new multiple-family buildings are listed as appropriate. The Master Plan notes that the density "should be limited by the existing height and bulk of the building and the capacity of the infrastructure - streets, sewer, water, etc." The proposed plan satisfies several goals and objectives set forth in the Master Plan, including those for Overall Land Use, Natural Resources, Recreation/Open Space, Housing, Downtown-Mixed Use, and Mobility, as outlined in the CWA review letter.

Zoning

According to the Official Zoning Map of the City of Dexter, the subject site is zoned VC Village Commercial District. The VC District is a form-based district. According to the Regulating Plan for the VC District, the subject site has a Village Street Type, a Site Type F, with Multiple Family, Townhouse/Attached Residential and Commercial Mixed Use building forms as permitted. Single Use and Large Format building types are allowed with special approval. The proposed multiple family buildings (Form C) are permitted at this location; however, the multiple family use requires special approval, pursuant to Article 8 of the Zoning Ordinance. The special land use review is provided herein.



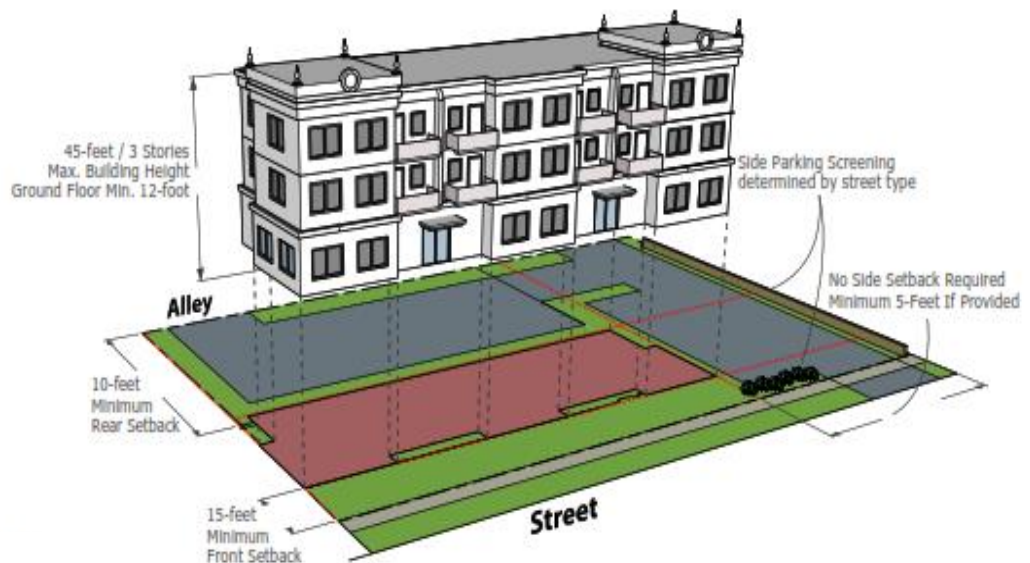
Street Type	Site Type	Building Form	Approval
Corridor	B	Single Use	Permitted if adaptive re-use Special if new construction
		House Two-Family	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Multiple Family Townhouse/Attached Residential	Special
	D	Single Use Single Use Institutional	Permitted
		Townhouse/Attached Residential Multiple Family	Special
Village	B	Single Use	Permitted if adaptive re-use Special if new construction
		House Two-Family	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Townhouse/Attached Residential Multiple Family	Special
	D	Two-Family Townhouse/Attached Residential Multiple-Family Commercial Mixed Use	Permitted
		Single Use	Permitted if adaptive re-use Special if new construction
	E	House Two-Family Downtown Mixed Use Multiple Family	Permitted
		Single Use	Special
	F	Multiple Family Townhouse / Attached Residential Commercial Mixed Use	Permitted
		Single Use Large Format	Special

Form C - Multiple Family Building

LOT REQUIREMENTS	MIN	MAX
Lot size (sq. ft.)	9,000	--
Lot width (ft)	60	--
Lot coverage (%) ¹	--	60
BUILDING ENVELOPE ¹	MIN	MAX
Front setback (front or side) (ft)	15 ²	25
Side setback one side (ft)	10	--
Side setback combined (ft)	20	--
Rear setback (ft)	10 ³	--
Frontage buildout (%)	75	90
BUILDING REQUIREMENTS	MIN	MAX
Dwelling Unit floor area (sq. ft.)	500	--
Ground floor height (ft)	12	--
Height (ft)	--	45
Height (stories)	2	3
FRONT FACADE	MIN	MAX
Porch or stoop front setback (ft)	5	--
Porches or stoops are required for 1st floor units with front door entrances to the street.		
Front facades must meet design standards in 11.11.B as well as specific design standards for the applicable zoning district.		

LANDSCAPING	MIN	MAX
Street Trees (1 tree per x lineal feet of street frontage)	30	40
Screening between land uses	See Section 6.11	
PARKING		
Location	Side street, side & rear yards.	
Driveway Access	From front, rear or side.	
Screening of adjacent street right-of-way	30 inch masonry wall with shrubs or landscaping within 5 feet of street right-of-way	
NOTES		
¹ In the CBD, there are no minimum yards and 100% maximum lot coverage allowed		
² The Planning Commission may adjust front yard setbacks, up to 10 feet, and the minimum building frontage to allow a permanent public space, developed as part of the principal building.		
³ If adjacent to a one or two family use or zoning district, the minimum setback is 25 feet.		

Figure 3. Form C - Multiple Family Building - Orthographic View



Conceptual PUD Review

According to the project narrative submitted with the application for conceptual review, *"The goal of the development is to provide a plurality of attainable housing options for the residents. This requires provision for several tiers of dwelling types and sizes to accommodate a range of future residents. The highest concentration of the unit types is focused on a blend of efficiency and one-bedroom units. These are complimented by a smaller number of two-bedroom units and ultimately a range of all three types with private roof-top terraces."*

The narrative also stated, *"The focus on Mill Creek is a central feature to the layout and function of the development. Since the project's inception the idea has been to provide and instill opportunities for an active lifestyle for the residents. This includes multiple points of access directly to the Mill Creek pathway from the site. Additionally, defined architectural gestures have been established to emphasize the physical and visual connection to the creek. The southern building has a "portal" cut out at the first level which allows a vision zone directly between the wings of the structure. This picture window captures dynamic views between the architecture that symbolically frame Mill Creek and the adjoining wetland from the primary level of the site. Additionally, this same zone offers a series of terraced outdoor sitting areas that transition to an elevated boardwalk overlook that connects back to the common pathway"*

The Conceptual PUD site plan submitted by the applicant was reviewed and discussed by the Planning Commission and the City Council on June 6, 2023 and June 13, 2023, respectively. General consensus of both bodies was:

- The proposed project was well-designed and would provide a housing option that is in limited supply in the city – apartments.
- The proposed plan reflected the time and effort the developer invested in design and layout of the project, citing that it not only reflects the community in character, but in need.
- Provide a more creative and thoughtful interface with Forest Lawn Cemetery, as well as to make site circulation more effective, including increasing drive aisle width to improve fire safety vehicle circulation.
- Create a better buffer between parking lot and the cemetery through the creative use of landscaping, such as an evergreen buffer, which could provide a better sense of privacy for both residents and visitors to the cemetery.
- Other improvements included adding outdoor bike hoops for visitors, dedicated delivery spaces, internal crosswalks, and front entrances to units on Grand Street to mimic other buildings in the vicinity and break up some of the front building façade.

PRELIMINARY PUD REVIEW

Staff, DPW, the Planning (CWA) and Engineering (OHM) consultants, and DAFD have reviewed the proposed PUD plan and offer the following observations for Planning Commissions consideration:

A. PUD Qualifications

1. The proposed PUD project provides the following recognizable and material benefits, as required pursuant to Section 19.01(A)(1) of the Zoning Ordinance:
 - a. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site, in accordance with sub-section c.
 - b. Preservation, enhancement, or restoration of natural resources (e.g., trees, slopes, non-regulated wetland areas, views to Mill Creek and/or Huron River), in accordance with sub-section f.

- c. Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reused/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards, in accordance with sub-section m.
 - d. Preservation or restoration of historic resources (e.g., screening and protection of western boundary adjacent to historic Forest Lawn Cemetery), in accordance with sub-section g.
 - e. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach (e.g., incorporating public pathway to connect the adjacent market rate housing development (Grandview Commons) to the proposed attainable housing project (Mill Creek Flats), in accordance with sub-section j.
 - f. Mitigation of off-site impact on public facilities, such as road improvements (e.g., improved public on-street parking spaces, including dedicated delivery vehicle spaces, extension and looping of public water and provision of public sewer main on-site), in accordance with sub-section l.
2. The proposed PUD project satisfies the requirements of Sections 19.01 (B-L) of the Zoning Ordinance (detailed review comments are included in the CWA review).

Staff comments: The Planning Commission must determine if the applicant's proposal satisfies the qualifications for PUD.

- B. Deed Restriction – 7997 Grand Street (08-08-06-285-008) is encumbered by a recorded Memorandum of Right of First Refusal, in favor of Forest Lawn Cemetery. The legal description provided in the Memorandum is "subject to a 12-foot-wide right-of-way for ingress and egress". The topographic survey provided with the plan is not consistent with the recorded legal description provided in the Memorandum. Additionally, the location of that ingress/egress right-of-way is not shown on the survey, nor is it described on the plan.

Staff comments: Prior to the parcel 7997 Grand Street being sold in 1967, it was part of the Cemetery. At that time, the now duplex was a maintenance building for the cemetery. Based on the history of the property, it is possible that the private ingress/egress right-of-way is located along the eastern property line of parcel 7997 Grand Street, where the existing driveway is located. In order for the applicant to develop the property as proposed, the ingress/egress right-of-way must be extinguished and properly recorded. Additionally, the survey provided with the plan must show the location of the private ingress/egress right-of-way along with accurate legal descriptions.

- C. Determinations. Section 19.03 of the Zoning Ordinance requires that PUD development must meet all regulations applicable to, that same Section also enables the Planning Commission to recommend deviations (i.e., waivers) from bulk, area, density, parking and loading, general provisions and other requirements, provided the proposed PUD demonstrates features or elements of the project that achieve general provision objectives for density, open space, and preservation of natural resources and natural features.
1. Density – Based on the proposed setbacks and lot coverage, and allowing for fifty percent (50%) of the site to be parking, stormwater and required setbacks, CWA estimated that a 3-story building with 87,964.20 square feet could be built on the site.

Staff Comments: The applicant is proposing 76 apartments on 2.3 acres of land, for a density of 33 units per acre. To put that into perspective, the approved density for other similar residential developments in the downtown is:

- 11 units/acre for Grandview Commons;
- 32 units/acre Millennium Place; and
- 62 units/acre for 150 Jeffords.

A density bonus is not required nor is it requested.

2. Minimum front yard and front porch setbacks - Meeting the required 15-foot front yard setback would create a large de-facto front yard, which would not contribute to the walkable nature of the area. As proposed, the buildings would be in line with the building locations approved for Grandview Commons, which is located adjacent to the east of the subject site. Three front porch areas that are proposed for ground floor units fronting Grand Street in building #1, encroach into the 5-foot minimum porch setback area required for a multiple family building (Building Form C). The side of the porch area of the first ground floor unit in building #1 facing Grandview Commons also encroaches into the 5-foot minimum required setback area.

Staff Comments: The Planning Commission must determine if the proposed plan achieves the objectives for a PUD in order to recommend a 10-foot front yard setback deviation, as well as a deviation to allow porches to encroach into the 5-foot required porch setback area.

3. Building Height – Architectural Plan Sheets A-8 and A-9 show the height of building #1 as 49 feet and the height of building #2 as 46 feet. However, the comparison chart on the cover sheet identifies the building heights as 49.5 feet and 50.4 feet, respectively.

Staff Comments: The applicant must clarify the building height discrepancy on a revised preliminary site plan. The Planning Commission must determine if the proposed plan achieves the objectives for a PUD in order to recommend a 4-foot building height deviation for building #1 and a 1-foot building height deviation for building #2.

3. Parking. The minimum off-street parking required for the proposed development is 92 spaces. The applicant is proposing 89 (85 off-street and 4-on-street). Two of the on-street spaces would be restricted for delivery vehicle parking.

Staff Comments: The Planning Commission must determine if the proposed plan achieves the objectives for a PUD in order to recommend a deviation of 3 parking spaces.

4. Landscaping – Extensive landscaping beyond the site plan requirements is one of the site design elements that can qualify a project for a PUD (Section 19.01(A)(1)). The landscape plan submitted by the applicant complies or exceeds requirements for street trees, parking lot landscaping, screening between uses and tree replacement for existing healthy trees measuring 8-23.9 caliper inches. However, 73 replacement trees are required for landmark trees and only 58 landmark replacement trees are proposed to be provided – a deficiency of 15 landmark replacement trees.

Staff Comments: The applicant has requested a deviation to reduce the number of required landmark replacement trees based on several factors, including but not limited to existing wetlands, development limits on adjacent properties, and limited plantable area on-site. The Planning Commission must determine if the proposed landscaping is extensive beyond the site plan requirements to recommend a deviation for 15 landmark replacement trees or if a contribution to the city's tree fund should be recommended.

5. Exterior Elevations/Floor Plans – Cornices are proposed on the tops of penthouses, but not the top of the 3rd story. Building one lacks window lintels and sills.

Staff Comments: The Planning Commission must determine if a deviation from the requirement for cornices and window lintels and sills should be recommended, since there is a lack of historic architecture on a block in which the subject site is located.

Other Review Items

1. The applicant shall submit a draft quit-claim for the 49.5' right-of-way with the final site plan.
2. Additional gate valves and a man-hole are required. The applicant shall coordinate with OHM and DPW on the specific locations, which must be shown on the final site plan.
3. A detail of the proposed boardwalk and deck shall be provided on a revised preliminary site plan.
4. The applicant shall clarify invert elevation for Structure R-4 on a revised preliminary site plan.
5. The proposed limits of paving in the road right-of-way shall be clarified on a revised preliminary site plan.
6. The DAFD review has been delayed, but the Chief communicated with staff that the applicant appeared to have addressed DAFD's concern regarding circulation.

PUD Determinations

Regardless of whether the Planning Commission is prepared to take action on a recommendation to City Council or postpone action to allow the applicant to address comments herein, staff requests the Planning Commission consider making determinations regarding the following deviations:

1. A 5-foot front yard setback when a 15-foot setback is required
2. A 1-foot front porch setback with a 5-foot setback is required
3. A building height of 49 feet for building #1 and a building height of 46 feet for building #2 when maximum building height of 45 feet is required
4. Eighty-nine parking spaces when a minimum of 92 are required
5. Fifty-eight landmark replacement trees (3" DBH) **or** a contribution to the city's tree fund when 73 landmark replacement trees (3" DBH) are required
6. Cornices only provided on penthouses when cornices are required for the 3rd story of building #1
7. Recessed windows for building #1 when window lintels and sills are required

Special Land Use Review

The proposed Multiple Family Use has been reviewed pursuant to the general review standards listed in Section 8.03 of the Zoning Ordinance. The following comments are provided for your consideration:

- A. Compatibility with the Master Plan. *The proposed Special Land Use shall be consistent with the goals, objectives, and future land use plan described in the City Master Plan.*

Staff comments: The stated intent of the Village Commercial future land use designation which is applicable to this site is to "maintain the well-established character, scale and density of the traditional pattern of the neighborhoods in the original plat of the Village, while allowing uses other than single-family residential for adaptive re-use of public and institutional buildings." This designation plans for "transition between mixed use districts." In the Village Commercial Future Land Use category, 3-5 story new multiple-family buildings are listed as appropriate. The Master Plan notes that the density "should be limited by the existing height and bulk of the building and the capacity of the infrastructure - streets, sewer, water, etc." The proposed project satisfies several goals and objectives set forth in the Master Plan. These include those for Overall Land Use, Natural Resources, Recreation/Open Space, Housing, Downtown-Mixed Use, and Mobility, as cited in the CWA review.

Compliance with standard 8.03.A is subject to the Planning Commission determining deviations associated with the PUD are acceptable, and further subject to the applicant satisfactorily addressing the comments and concerns cited herein, as part of the PUD review above.

- B. Compliance with Zoning Standards. *The proposed Special Land Use shall be designed, constructed, operated, and maintained to meet the stated intent of the zoning district, and shall comply with all applicable ordinance standards.*

Staff comments: According to the Official Zoning Map of the City of Dexter, the subject site is zoned VC Village Commercial District. The VC District is a form-based district. According to the Regulating Plan for the VC District, the subject site has a Village Street Type, a Site Type F, with Multiple Family, Townhouse/Attached Residential building forms are permitted. The proposed multiple family buildings (Form C) are permitted at this location; however, as cited above, the multiple family dwellings require special approval.

Compliance with standard 8.03.B is subject to the Planning Commission determining deviations associated with the PUD are acceptable, and further subject to the applicant satisfactorily addressing the comments and concerns cited herein, as part of the PUD review above.

- C. Compatibility with Adjacent Uses. *The proposed Special Land Use shall be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, or similar impacts. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.*

Staff comments: Adjacent properties include the Forest Lawn Cemetery (W), Mill Creek Park (S), Multiple-family residential (E) and attached single-family residential (N). The Grand Street Trail Connector to the Mill Creek Trail also is directly adjacent to the site. The proposed use is compatible with these adjacent uses. The design of the site takes particular care in its interaction with multiple public spaces at all sides of the property.

Compliance with standard 8.03.C is subject to the Planning Commission determining deviations associated with the PUD are acceptable, and further subject to the applicant satisfactorily addressing the comments and concerns cited herein, as part of the PUD review above.

- D. Impact on the Overall Environment. *The proposed Special Land Use shall not unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.*

Staff comments: No additional impacts to the natural environment are anticipated since the site is already developed. Compliance with standard 8.03.D is subject to the Planning Commission determining deviations associated with the PUD are acceptable, and further subject to the applicant satisfactorily addressing the comments and concerns cited herein, as part of the PUD review above.

- E. Impact on Public Facilities. *The proposed Special Land Use shall be served adequately by public facilities and services such as police and fire protection, schools, drainage systems, water and sewage facilities, streets, pedestrian or bicycle facilities, and refuse disposal. Such services shall be provided and accommodated without an unreasonable public burden.*

Staff comments: The site is proposed to be served by public utilities. Compliance with standard 8.03.E is subject to the Planning Commission determining deviations associated with the PUD are acceptable, and further subject to the applicant satisfactorily addressing the comments and concerns cited herein, as part of the PUD review above.

- F. *Traffic Impact.* *The proposed Special Land Use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e.; volumes); types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. The applicant shall comply with the City's Complete Street Ordinance.*

Staff Comments: Generally, a 76-unit apartment development does not warrant a traffic impact study (TIS), as no significant traffic impacts are anticipated. Compliance with standard 8.03.F is subject to the Planning Commission determining deviations associated with the PUD are acceptable, and further subject to the applicant satisfactorily addressing the comments and concerns cited herein, as part of the PUD review above.

- G. *Safety and Welfare.* *The proposed Special Land Use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.*

Staff Comments: Compliance with standard 8.03.G is subject to the Planning Commission determining deviations associated with the PUD are acceptable, and further subject to the applicant satisfactorily addressing the comments and concerns cited herein, as part of the PUD review above.

- H. *Special Use Approval Specific Requirements.* *The general standards and requirements of this Section are basic to all uses authorized by Special Land Use Permit approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.*

Staff Comments: In this case, there are no specific standards to consider.

Special Land Use Conclusions

Compliance with the standard in Section 8.03 is subject to the Planning Commission determining deviations associated with the PUD are acceptable, and further subject to the applicant satisfactorily addressing the comments and concerns cited herein, as part of the PUD review above.

Recommended Actions

Pursuant to Section 8.02(C), following the public hearing, the Planning Commission must review the application in accordance with Section 8.03, Standards for Special Land Uses before taking action to postpone for more information, or recommending of approval, denial or approval with conditions to City Council. City Council is responsible for taking final action to approve, deny, or approve with conditions.

Pursuant to Section 19.05(E), following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions, based on a finding that the proposed PUD meets the intent of the PUD District and the following standards:

1. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
2. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Article.
3. The PUD shall not change the essential character of the surrounding area.
4. Proposed phases and timetable.
5. The proposed PUD shall be under single-ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Article.

Based on those standards, Staff has prepared the following motions for the Planning Commission's consideration:

Motion 1:

Based on the information provided by the applicant, staff, CWA, OHM, and DAFD, and following a public hearing conducted during the August 3, 2023 meeting, the Planning Commission finds PPPSP23-05 Mill Creek Flats Preliminary Site Plan and Special Land Use **(MEETS/FAILS TO MEET)** the standards set forth in Sections 19.05(E) and 8.03 of the Zoning Ordinance, and recommends **(APPROVAL/DENIAL)** to City Council, subject to the following:

1. Pursuant to Section 19.01(A)(1) of the Zoning Ordinance, the proposed PUD project **(PROVIDES/DOES NOT PROVIDE)** the following recognizable and material benefits:
 - a. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site, in accordance with sub-section c.
 - b. Preservation, enhancement, or restoration of natural resources (e.g., trees, slopes, non-regulated wetland areas, views to Mill Creek and/or Huron River), in accordance with sub-section f.
 - c. Preservation or restoration of historic resources (e.g., screening and protection of western boundary adjacent to historic Forest Lawn Cemetery), in accordance with sub-section g.
 - d. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach (e.g., incorporating public pathway to connect the adjacent market rate housing development (Grandview Commons) to the proposed attainable housing project (Mill Creek Flats), in accordance with sub-section j.
 - e. Mitigation of off-site impact on public facilities, such as road improvements (e.g., improved public on-street parking spaces, including dedicated delivery vehicle spaces, extension and looping of public water and provision of public sewer main on-site), in accordance with sub-section l.
 - f. Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reused/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards, in accordance with sub-section m.
2. The proposed PUD project **(SATISFIES/DOES NOT SATISFY)** the requirements of Sections 19.01(B-L) of the Zoning Ordinance.
3. A 5-foot front yard setback when a 15-foot setback is required
4. A 1-foot front porch setback with a 5-foot setback is required
5. A building height of 49 feet for building #1 and a building height of 46 feet for building #2 when maximum building height of 45 feet is required
6. Eighty-nine parking spaces when a minimum of 92 are required
7. Fifty-eight landmark replacement trees (3" DBH) **or** a contribution to the city's tree fund when 73 landmark replacement trees (3" DBH) are required
8. Cornices only provided on penthouses when cornices are required for the 3rd story of building #1
9. Recessed windows for building #1 when window lintels and sills are required

10. The proposed density of 33 units/acre (i.e., 76 apartments) is not greater than the maximum density permitted for this property.
11. The building height discrepancy shall be corrected on a revised preliminary site plan.
12. The applicant shall submit a draft quit-claim for the 49.5' right-of-way with the final site plan.
13. Additional gate valves and a man-hole shall be required, their locations coordinated with OHM and DPW, and they shall be shown on the final site plan.
14. A detail of the proposed boardwalk and deck shall be provided on a revised preliminary site plan.
15. The applicant shall clarify invert elevation for Structure R-4 on a revised preliminary site plan.
16. The proposed limits of paving in the road right-of-way shall be clarified on a revised preliminary site plan.
17. The existing ingress/egress right-of-way shall be extinguished and the applicant shall provide a revised preliminary site plan that 1) shows the location and dimensions of the ingress/egress right-of-way and 2) contains a notation that states the existing ingress/egress right-of-way will be extinguished.
18. The legal descriptions of the subject site shall be corrected on a revised preliminary site plan.
19. Staff review, dated August 3, 2023;
20. CWA review, dated August 3, 2023;
21. OHM review, dated August 3, 2023; and
22. DAFD pending review

Motion 2

Based on the information provided by the applicant, staff, CWA, OHM, and DAFD, and following a public hearing conducted during the August 3, 2023 meeting, the Planning Commission **POSTPONES PPPSP23-05 Mill Creek Flats Preliminary Site Plan and Special Land Use** to allow the applicant time to address the comments and concerns identified in the following reviews:

1. Staff review, dated August 3, 2023;
2. CWA review, dated August 3, 2023;
3. OHM review, dated August 3, 2023; and
4. DAFD pending review.

Please let me know if you have any questions or comments.